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UNITED STATES DISTRICT COURT

FILED

SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. David Alfredo CALDERON-Cervantes, Defendant.	Magistrate Case No. '07 MJ 2763
	COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Sec. 1324(a)(2)(B)(iii) - Bringing in Aliens Without Presentation (Felony)

The undersigned complainant, being duly sworn, states:

On or about **November 27, 2007**, within the Southern District of California, defendant **David Alfredo CALDERON-Cervantes**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely **Jesus Alonso ESTEBAN-Mata, Maria Del Carmen LARA-Garcia, and Verenice VEGA-Jacobo**, had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Mario Avila, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF **November 2007.**

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Jesus Alonso ESTEBAN-Mata, Maria Del Carmen LARA-Garcia, and Verenice VEGA-Jacobo** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On **November 27, 2007** at approximately **3:10 PM, David Alfredo CALDERON-Cervantes (Defendant)** made application for admission into the United States driving a gold Mercedes Benz at the Otay Mesa Port of Entry. Defendant presented to a Customs and Border Protection (CBP) Officer a Border Crossing Card and Mexican passport belonging to another. Defendant also gave a negative declaration to the CBP officer. During a primary inspection of the vehicle, the CBP Officer discovered several individuals concealed in the trunk. CBP Officers escorted the driver and drove the vehicle and its occupants to the secondary area for further inspection.

In secondary, CBP Officers removed four individuals from within the trunk of the vehicle. Three individuals are now identified as Material Witnesses: **Jesus Alonso ESTEBAN-Mata (MW1), Maria Del Carmen LARA-Garcia (MW2), Verenice VEGA-Jacobo (MW3).** Material Witnesses were determined to be citizens of Mexico without entitlements to enter, pass-through, or reside in the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted an unknown man and woman provided him with the Border Crossing card, Mexican passport, and the vehicle to drive across the border. Defendant stated that he did not know there were people concealed within the trunk of the vehicle. For the use of the documents and the vehicle he was to pay a smuggling fee of $2500.00 (USD). Defendant stated he was going to drive the vehicle to an AM/PM gas station in San Ysidro, California. Additionally, Defendant stated that he knew the documents he presented did not belong to him.

Videotaped interviews were conducted with Material Witnesses. All Material Witnesses stated they are citizens of Mexico without documents to lawfully enter or reside in the United States. All Material Witnesses stated they made the arrangements with Defendant to be smuggled into the United States. All Material Witnesses indicated that Defendant was the person that placed them in the trunk of the vehicle. All Material Witnesses identified the Defendant as the driver of the vehicle. Material Witnesses stated they intended to travel to the United States to work and be with family. MW1 and MW3 stated they were to pay an unknown amount to be smuggled into the United States. MW2 admitted she was to pay $2000.00 USD upon her successful arrival in the United States.